

Graham M. Sweitzer, OSB #025866
graham.sweitzer@harrang.com
HARRANG LONG GARY RUDNICK P.C.
1050 SW Sixth Avenue, Suite 1600
Portland, OR 97204
Telephone: 503-242-0000
Facsimile: 503-241-1458
Of Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

SOFIA MURRAY,

Plaintiff,

vs.

MELISSA SCHAEFER

Defendant.

Case No.

**NOTICE OF REMOVAL OF
CIVIL ACTION**

**Pursuant to 28 U.S.C. §§ 1332,
1441, and 1446**

Defendant Melissa Schaeffer (“Defendant”) by and through her counsel, hereby gives notice of the removal of this action from the Multnomah County Circuit Court, Case No. 20CV21646 (“State Court Action”), to the United States District Court for the District of Oregon, Portland Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

As grounds for this removal, Defendant respectfully provides the Court with the following, which establishes that this action is removable under 28 U.S.C. §§ 1441 and 1446 based on diversity of citizenship. 28 U.S.C. § 1332.

I. INTRODUCTION

1. Plaintiff Sofia Murray (“Plaintiff”) is a resident of the State of Oregon. She commenced this personal injury action by filing a Complaint (“Complaint”) in the State Court Action against Defendant, a resident of the State of Washington. Plaintiff seeks compensatory damages in the approximate amount of \$164,353.88.

2. On or about June 29, 2020, Plaintiff served a copy a Summons and the Complaint on Defendant.

II. THIS NOTICE IS TIMELY

3. This Notice of Removal is timely because it is filed within 30 days after Plaintiff served copies of a summons and the Complaint on Defendant. 28 U.S.C. § 1446(b)(1).

4. A copy of the State Court docket is attached hereto as Exhibit 1.

5. Copies of the Summons and Complaint that Plaintiff submitted are attached hereto as Exhibit 2. They constitute all process, pleadings, and orders that Defendants have received in this Action to date.

III. DIVERSITY JURISDICTION EXISTS

6. Under 28 U.S.C. § 1441(a), a defendant may remove an action filed in a state court to the United States District Court if the district court has original jurisdiction over the action.

7. Federal district courts have original jurisdiction of all civil actions between citizens of different states, and between a citizen of a state and a citizen or subject of a foreign state, where the amount in controversy exceeds the sum or value of \$75,000. 28 U.S.C. § 1332(a).

8. This action is one over which the district court has original jurisdiction under 28 U.S.C. § 1332(a) because: (a) The amount in controversy exceeds \$75,000; (b) Plaintiff and

Defendant are citizens of different states; and (c) Defendant is not a citizen of the state in which the action was brought.

III. DEFENDANT MEETS PROCEDURAL REQUIREMENTS

14. Under 28 U.S.C. § 1446(a), venue for removal purposes lies with this Court because Plaintiff's action is pending in the Circuit Court of the State of Oregon for the County of Multnomah, which is within this District and Division.

15. Defendant Melissa Schaeffer is the only named defendant in this action. Therefore, each defendant consents to the removal of this Action.

16. Concurrently with the filing of this Notice of Removal, Defendant has given written notice of the filing of this Notice of Removal to Plaintiff, and has also filed a copy of this Notice with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah under 28 U.S.C. § 1446(d).

11. By notice of this removal, Defendant does not waive any objections she may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this Action.

DATED this 29th day of July, 2020.

HARRANG LONG GARY RUDNICK P.C.

By: s/ Graham M. Sweitzer
Graham M. Sweitzer, OSB #025866
graham.sweitzer@harrang.com

Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on July 29, 2020, I served or caused to be served a true and complete copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** on the party or parties listed below as follows:

- ☒ Via CM / ECF Filing
- ☒ Via First Class Mail, Postage Prepaid
- ☒ Via Email

Charley B. Gee, OSB #111014

cgee@injuryoregon.com

Charley Gee P.C.

3709 SE Gladstone Street

Portland, OR 97202

Telephone: (503) 278-5389

Facsimile: (503) 247-1410

Of Attorneys for Plaintiff

HARRANG LONG GARY RUDNICK P.C.

By: s/ Graham M. Sweitzer

Graham M. Sweitzer, OSB #025866

Of Attorneys for Defendant